

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

NO. 3:23-CR-460-M

v.

COREY WILSON

**GOVERNMENT'S OBJECTION TO DEFENDANT'S
DESIGNATION OF EXPERT WITNESS**

The United States objects to any elicited opinion testimony by retired Special Agent Scott Kline concluding whether the metal devices sold by the defendant to undercover ATF agents are machineguns pursuant to 26 U.S.C. § 5845(d) because that opinion would not be based upon scientific, technical, or specialized knowledge as required by Federal Rule of Evidence 702. However, to preserve judicial resources and because retired Special Agent Kline will be testifying in a bench trial—if he testifies at all—the government requests this Court allow this objection run with his testimony at trial before making a final determination of whether he is qualified provide expert testimony.

The government and the defendant have been communicating daily to attempt to agree to as many issues prior to trial. These efforts have proven fruitful. During one such communication, attorneys for both sides discussed the anticipated testimony of their respective designated experts. Counsel for defense indicated that he may not call retired Special Agent Kline to testify at all but nonetheless designated him as an expert to allow retired Special Agent Kline to sit at counsel table to provide technical advice on firearms

throughout trial. The government does not object to such a request to allow retired Special Agent Kline to sit at counsel table to advise defense counsel.

If retired Special Agent Kline does testify, the government believes that it can expose the deficiencies in his qualifications through cross examination rather than a separate pretrial hearing and would therefore request that this Court combine defer ruling on this objection until the end of his testimony.

Respectfully submitted,

CHAD E. MEACHAM
ACTING UNITED STATES ATTORNEY

s/ Robert Withers
ROBERT WITHERS
Assistant United States Attorney
Texas Bar No. 24072758
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8600
Facsimile: 214-659-8805
Email: Robert.Withers@usdoj.gov